

IN THE COURT OF APPEALS OF TENNESSEE  
EASTERN SECTION

**FILED**

**July 3, 1996**

**Cecil Crowson, Jr.**  
Appellate Court Clerk

ROBERT DALE COBB,	)	
	)	
Plaintiff - Appellant,	)	
	)	
v.	)	HAMBLIN LAW
	)	03A01-9602-CV-00051
DOUGLAS R. BEIER,	)	
	)	
Defendant - Appellee.	)	

DISSENTING OPINION

While I concede that the majority opinion is technically correct and the reasoning employed comports with previous case law, I observe that this Court, or at least this member of this Court, has routinely overruled such motions when the only defect as to the service of the notice of appeal is failure to file a copy with the Clerk of this Court.

Given the fact that those promulgating the Rules of Appellate Procedure have vacillated on this requirement, and such a filing serves little purpose in the vast majority of cases appealed, I would suspend that provision of Rule 5 unless prejudice to the appellee has been shown.

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Houston M Goddard, P. J.